

1/11/08

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

RECEIVED

JAN 25 2008
JAN 25 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

ENRICO LEVY #A93734

(Enter above the full name of
the plaintiff or plaintiffs in
this action)

vs.

08CV573

JUDGE CONLON

MAGISTRATE JUDGE KEYS

CASE NO. _____

(To be supplied by the Clerk)

STATE OF ILLINOIS, Dept. of

CORRECTION. Galesburg,

WARDEN

PINCKNEYVILLE WARDEN

BARKLEY. PRISONS DIRECTOR

ROGER E. WALKER JR

(Enter above the full name of
the defendants in this action)

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983 U.S.C.

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES ☒ NO ()
- B. If your answer is yes, did any of these lawsuits deal with the same facts involved in this action or otherwise relate to your claim? YES () NO ☒
- C. If your answer to B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of piece of paper, using the same outline)

I. Parties to this previous lawsuit:

Plaintiffs: ENRICO LEVY

Defendants: DEPT. of CORRECTION, STATEVILLE

2. Court (if federal court, name the district; if state court, name the county):
NORTHERN

3. Docket number: 1:96-cv-04705

4. Judge's name to whom case was assigned: Canton

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) dismissed

APPEAL Dismiss

6. Approximate date of filing lawsuit: 1996

7. Approximate date of disposition: 1996

II. Place of present confinement: LAWRENCE ILLINOIS

A. Is there a prisoner grievance procedure in this institution? YES () NO ()

B. If the facts in your complaint relate to your imprisonment, did you use the prisoner grievance procedure to seek relief? YES (X) NO ()

C. If your answer is YES: 1. What steps did you take? APPEAL to

PRISON'S Administration AND DIRECTOR

2. What was the result? CONFLICTING

D. If your answer is NO, explain why not: _____

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff WARDEN BARKLEY

Address Box 999, PINCKNEYVILLE, ILL

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.)

B. Defendant BARKLEY is employed as PRISON

WARDEN at PINCKNEYVILLE

C. Additional Defendants: PRISONS DIRECTOR

ROGER E. WALKER JR.

1301 CONCORDIA COURT, SPRINGFIELD, ILL, 62794

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary.)

NEXT PAGE ATTACH

2. Case name: LEVY V. DEPT. OF CORRECTION ^{WARDEN EVANS} Case Number: 06 C-4449
 Court: U.S. FEDERAL Date filed: 2004 ?
 Claims raised: deliberate INDIFFERENCE
 Result: dismissed with or without PREJUDICE?
3. Case name: LEVY V. DEPT. OF CORRECTION ^{WARDEN BUCKLEY} Case Number: 06 723 JPG
 Court: U.S. FEDERAL SOUTHERN Date filed: 2006
 Claims raised: deliberate INDIFFERENCE
 Result: Dismissed APPEAL PENDING

DECLARATION UNDER PENALTY OF PERJURY

I declare (or certify, verify or state) under penalty of perjury, that I am the plaintiff/petitioner in the above action, that I have read the foregoing Motion and Affidavit and that the information contained therein is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621. I authorize the agency having custody of my person to withdraw funds from my prison trust account and forward payments to the Clerk of Court, in accord with 28 U.S.C. § 1915.

12-4-2007
 Date

Enrico Levy
 Signature of Plaintiff/Petitioner

2. Case name: LEVY V. Godinez Case Number: 1:96-CV-07799
 Court: NORTHERN Date filed: 1994
 Claims raised: DELIBERATE INDIFFERENCE

Result: DISMISSED WITH OR WITHOUT PREJUDICE?

3. Case name: LEVY V. Godinez Case Number: 1:96-CV-04939
 Court: NORTHERN Date filed: 1994
 Claims raised: DELIBERATE INDIFFERENCE

Result: DISMISSED WITH OR WITHOUT PREJUDICE?

DECLARATION UNDER PENALTY OF PERJURY

I declare (or certify, verify or state) under penalty of perjury, that I am the plaintiff/petitioner in the above action, that I have read the foregoing Motion and Affidavit and that the information contained therein is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621. I authorize the agency having custody of my person to withdraw funds from my prison trust account and forward payments to the Clerk of Court, in accord with 28 U.S.C. § 1915.

02-4-2007

Date

Emilio Levy

Signature of Plaintiff/Petitioner

STATE OF ILLINOIS

COUNTY OF LAWRENCE

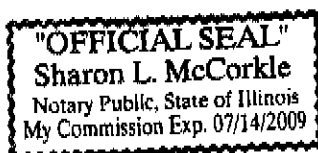
AFFIDAVIT

I, ENRICO LEVY, deposes and says that
as to the petition herein, he/she is the plaintiff in the above entitled cause; that he/she
has read the foregoing document, by his/her signed, and that the statements contained
therein are true in substance and in fact.

s/s Enrico Levy
Plaintiff, pro se

Signed before me this 28th day of NOV, 2007

Sharon L. McCorkle
Notary Public



APPENDIX A

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing APPENDIX COMPLAINT NO. 1A
(Insert name of document)

was mailed/delivered to RESPONDENT
(Insert name of defendant(s) and address(es) or name of attorney(s) and address(es))

on NOV 28 2007

Emilio Henry
(Sign/print your name)

TABLE OF CONTENT
PETITION - APPENDIX (A)
No. 1

- (1) PLAINTIFF'S COMPLAINT
- (2) PLAINTIFF'S LETTER to PRISONS Administration OFFICE of INMATE ISSUES
- (3) PLAINTIFF'S LETTER to PRISONS DIRECTOR
- (4) PLAINTIFF'S INMATE GRIEVANCE
- (5) PRISON'S Administration DIRECTOR'S RESULTS (2) PAGES EXHIBIT
- (6) DEPARTMENT'S ADJUSTMENT COMMITTEE FINAL SUMMARY REPORTS (2) PAGES EXHIBIT
- (7) PLAINTIFF'S INMATE SENTENCE CALCULATION WORK SHEET
- (8) PLAINTIFF'S INMATE GRIEVANCE FOR HYGIENE SOAP, TOOTHPASTE ETC. EXHIBIT
- (9) PRISON'S Administration DIRECTOR'S RESULTS (2) PAGES EXHIBIT
- (10) SUMMONS
- (11) HOSPITAL NURSE - SUMMONS & RECEIPTS
- (12) PLAINTIFF'S LAW IN SUPPORT EXHIBIT
- (13)
- (14) APPENDIX (B) COMPLAINT PETITION NO. 2

THE STATE OF ILLINOIS

ENRICO LEVY #A93734

PETITIONER

-VS-

STATE OF ILLINOIS, DEPT. OF
CORRECTION, GALESBURG - PINCKNEYVILLE
WARDEN BARKLEY PRISONS
DIRECTOR ROGER E. WALKER, JR.

RESPONDENTS

CASE NO.

PLAINTIFF'S

PRO SE.

MOTION TO CONSIDER FINDING OF FACTS

I, ENRICO LEVY, PETITIONER PRO SE, RESPECTFULLY HEREBY MOVE WITH MOTION
AND PRAYER TO THIS HONORABLE COURT, AND IN SUPPORT STATES:

1. I AM NOT REPRESENTED BY AN ATTORNEY IN THIS CASE, HOWEVER
VERIFICATION OF SOLICITATION WAS MADE.
2. I AM THE PETITIONER IN THE ABOVE CAPTIONED CASE.
3. I AM A PRISONER INCARCERATED (22) YEARS IN THE ILLINOIS DEPT. OF
CORRECTION, AT THE PRESENT, RESIDENT HERE AT PINCKNEYVILLE PRISON, ILL.
4. THIS MOTION AND PETITION IS SUPPORTED WITH AFFIDAVIT, DOCUMENTS AND LAW
5. PETITIONER PRAY THIS HONORABLE COURT GRANT MOTION REQUEST.

Plaintiff's
REQUEST FOR RELIEF

(22) YEARS INCARCERATED, THAT THIS COURT ALLOWE PLAINTIFF TO SHOW WITH PLAINTIFF'S PRIMA FACIE AND OTHER CONCRETE EVIDENCE THAT PRISON'S EMPLOYEES VIOLATED PLAINTIFF'S CONSTITUTIONAL AND STATE RIGHTS WITH MALICIOUS CONDUCT AND DELIBERATE INDIFFERENCE CRUEL AND UNUSUAL PUNISHMENT

THAT I BE COMPENSATED IN THE AMOUNT \$ ACCORDINGLY
FOR THE DEPRIVATION, MENTAL ANGUISH, AND DEPRESSION,
ILLNESS, PAIN AND SUFFERING.

PLAINTIFF'S DOES DEMAND A JURY TRIAL

FOR SAFETY CONCERN, I REQUESTED TO BE SHIPPED OR PROTECTED CUSTODY, UNFORTUNATELY DENIED: ON FEB-22-2006, UPON MY PERSONAL REQUEST, I REFUSE TO STAY IN GENERAL POPULATION HOUSING, FOR REASON OF SAFETY CONCERN WHICH RELATES TO A PREVIOUS INCIDENT THAT INVOLVE- THREE OTHER INMATES AND MYSELF BEING SHOT AND SERIOUS WOUNDED BY A CORRECTIONAL OFFICER.

I WAS ESCORTED TO PRISON SEGREGATION, THE VERY NEXT DAY I RECIVED A DISCIPLINARY TICKET FOR REFUSING HOUSING ASSIGNMENT. HOWEVER, I APPEARED AT THE DISCIPLINARY COMMITTEE AND THERE I COMPLETELY EXPLAIN THAT I HAVE BEEN APPROACH BY AT LEAST FIFTEEN INMATES WHOM THREATEN TO DO HARM TO ME FOR TESTIFYING IN POTENTIAL COURT AGAINST ANOTHER INMATE.

I ALSO INFORM THE WARDEN, THE PRISONS DIRECTOR, AND THE OFFICE OF INMATES ISSUES IN SPRINGFIELD, ILLINOIS, AND NO RESPOND. IRONICALLY, I HAVE COPIES OF PROOF OF MAILINGS.

MANY TIMES, OVER AND OVER, I PLEAD TO BE SHIPPED, TO BE SHIPPED OR PROTECTED CUSTODY, UNFORTUNATELY, ALL MY REQUESTS WAS IGNORED.

SADLY, DEPRESSED, CONFINED TO SEGREGATION FOR (18) MONTHS, SUBJECTED TO INHUMANE TREATMENT AND CONDITION. DEPRIVED OF BASIC HYGIENE ITEMS OVER AND OVER, SUCH AS TOOTHPASTE, SOAP, SHOWERS, AND BODY RASH DEVELOPED. HOSPITAL NURSE SEEN A NUMBER OF OCCASSIONS, HOWEVER TO NO AVAIL.

ALSO, DEPRIVED FOR (18) MONTHS OF OUT OF CELL EXERCISE AND SEVERELY SUFFERED FROM DEPRESSION AND MENTAL DEPRIVATION. ALTHOUGH PSYCHIATRIC WAS SOUGHT AND VISITED, TO NO AVAIL. REFUSE TO DISPENSE MEDICATION REQUESTS, HOWEVER SEVERE PARALYSIS CONTINUE TO PERSIST.

FURTHERMORE, SADLY (6) MONTHS WAS REVOLT FROM MY SENTENCE, THEREBY SETTING BACK MY SCHEDULE DISCHARGE RELEASE DATE FROM PRISON, DUE TO MY REFUSAL TO GO TO GENERAL POPULATION.

FROM MY SEGREGATION CELL
 I PERSONALLY SPOKE WITH WARDEN KEN BARTLEY AND
 HIS ASSISTANCES, WARDEN EVANS AND OTHERS.
 ALSO, I PERSONALLY SPOKE WITH THE PRISONS DIRECTOR
 WHO INFORMED ME THAT THEY WOULD TAKE CARE OF
 THESE SITUATIONS AND CONDITIONS AS LISTED HERE
 IN THIS COMPLAINT. UNFORTUNATELY THEY ALL INSURED
 ME THAT THEY WAS WORKING ON THE SITUATIONS
 HOWEVER TO NO AVAIL, ONLY FALSE PROMISES
 THEREBY, TURNING THEIR HEAD, (18) MONTHS SEGREGATION.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments.
 Cite no cases or statutes.

(22) YEARS INCARCERATED, THAT THIS COURT ALLOWE
 PLAINTIFF TO SHOW WITH PLAINTIFF'S PRIMA FACIE AND
 OTHER CONCRETE EVIDENCE THAT PRISON'S EMPLOYEES
 VIOLATED PLAINTIFF'S CONSTITUTIONAL AND STATE RIGHTS
 WITH MALICIOUS CONDUCT AND DELIBERATE INDIFFERENCE,
 CRUEL AND UNUSUAL PUNISHMENT, WHEREBY SUBJECTED
 TO IN HUMANE TREATMENT AND CONDITION.

RE: GRIEVANCE RESPOND

Approximately (5) or (6) months Ago, I, by MONEY VETCHER
FORWARD MY GRIEVANCE APPEAL TO YOUR OFFICE AND I STILL
HAVEN'T RECEIVE A RESPONSE.

GRIEVANCE MATTER concern disciplinary Action AND SEGREGATION
FOR disobeying A direct order, AND RELIEF OF \$20.00 A day
COMPENSATION FOR EACH day OF SEGREGATION.

RESPECTFULLY, I TRUST YOU WILL ANSWER THIS PLEA PROMPTLY.

THANK YOU

ENRICO LEVY #A93734

Box 999

PINCKNEYVILLE

RESPECTFULLY, I FEEL THE NEED TO WRITE THIS LETTER IF ESSENTIAL.

ON FEB-22-2006, I ADMITTED MYSELF TO SEGREGATION CONFINEMENT FOR FEAR OF GANG REPRISAL STEMING FROM AN INCIDENT AT PONTIAC PRISON THAT RESULTED IN MYSELF BEING SHOT BY TOWER GUARD DURING A KNIFE BRAWL WITH A NUMBER OF OTHER INMATES. I AM 52 YEARS OF AGE, AND FOR APPROXIMATELY (5) MONTHS CONFINED, HIDING HERE IN SEGREGATION WAITING FOR AN ADMINISTRATION FINAL MOVE DECISION. WHEREFOR I REFUSE POPULATION OR YARD AND ON (3) OCCASSIONS I HAVE REQUESTED THAT I BE SHIPPED RIGHT AWAY TO ANOTHER FACILITY OR PROTECTIVE CUSTODY, ONLY TO BE TOLD NOTHING. NO INTERNAL REVIEW VISIT, NOR ANYTHING ELSE.

ON MAR-22-2006, AGAIN I WAS SUMMIT TO THE ADJUSTMENT DISCIPLINARY COMMITTEE FOR REFUSE HOUSING ASSIGNMENT, COMMITTEE ASSESSMENT, (2) MONTHS SEGREGATION. ON MAY-22-2006, THE 3RD COMMITTED SUMMIT, ASSESSMENT (3) MONTHS SEGREGATION.

OF IMPORTANCE, I VERBALLY INFORMED THIS DISCIPLINARY COMMITTEE ABOUT THE PONTIAC SHOOTING THAT RESULTED IN MY CRIMINAL TRIAL, TESTIMONY AND CONVICTION. WHEREBY, SINCE MY ARRIVAL HERE AT PINCKNEYVILLE, APPROXIMATELY (15) FORMER PONTIAC INMATES HAVE CONFRONTED AND THREATEN TO DO BODY HARM TO ME. I SO INFORMED THIS COMMITTEE

RESPECTFULLY, A.R.B. I TRUST YOU WILL ANSWER AND RESPOND PROMPTLY, DOCUMENTS ATTACHED HERE

THANKYOU SINCERELY
ENRICE LEVY #A95734
BOX 999
PINCKNEYVILLE, ILL, 62274

Offender Authorization for Payment

Posting Document # _____ Date 7-29-2007
Offender Name ENRICO LEVY ID# A93734 Housing Unit 4A #20
Pay to _____
Address _____
City, State, Zip _____

The sum of _____ dollars and _____ cents charged to my trust fund
account, for the purpose of PRIVILEGE POSTAGE TO ADMINISTRATION REVIEW BOARD

☒ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic
funds transfers to be placed in the attached mail.

Offender Signature Enrico Levy ID# A93734

Witness Signature _____

☐ Approved ☐ Not Approved Chief Administrative Officer Signature _____

Postage applied in the amount of _____ dollars and 47 cents.

Distribution: Business Office, Offender _____

Printed on Recycled Paper

DOC 0286 (EM, 1/2006)
(Replaces DC 528)

PRIVILEGED
MAIL

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Authorization for Payment

Posting Document # _____ Date 7-26-2007
Offender Name ENRICO LEVY ID# A93734 Housing Unit 4A #20
Pay to _____
Address _____
City, State, Zip _____

The sum of _____ dollars and _____ cents charged to my trust fund
account, for the purpose of PRIVILEGE ENVELOPES TO DEPT OF CORRECTIONS A.R.B.

☐ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic
funds transfers to be placed in the attached mail.

Offender Signature Enrico Levy ID# A93734

Witness Signature _____

☐ Approved ☐ Not Approved Chief Administrative Officer Signature _____

Postage applied in the amount of _____ dollars and 97 cents.

Distribution: Business Office, Offender _____

Printed on Recycled Paper

DOC 0286 (EM, 1/2006)
(Replaces DC 528)

PRIVILEGED
MAIL

MAR-13-2007

DEAR, DEPT. OF CORRECTION
ADMINISTRATION REVIEW BOARD.

RE: copy of GRIEVANCE APPEAL

TO THE PRISONS DIRECTOR.

FOR MEMO RESULTS, STILL WAITING.

→ NATURE: UNJUST SEGREGATION CONFINEMENT.
AND 20100 A DAY COMPENSATION

Approximately (6) MONTHS Ago SEPT. 2006, I MAILED

(1) copy of my EXHAUSTED GRIEVANCE AND ATTACHED DOCUMENTS TO THE
ADMINISTRATION REVIEW BOARD, 1301 CONCORDIA COURT, SPRINGFIELD, ILL, 62794,

UNFORTUNATELY, ITS MARCH-13-2007, AND I STILL HAVEN'T RECEIVED A
RESPOND.

RESPECTFULLY, PLEASE RUSH ME (1) copy of THE ADMINISTRATION
DIRECTOR MEMO RESULTS, HIS DECISION.

I TRUST you WILL ANSWER AND RESPOND PROMPTLY.

THANK YOU

ENRICO LEVY #A93738

BOX 999

PINCKNEYVILLE, ILL, 62274

RESPECTFULLY, I FEEL THE NEED TO WRITE THIS LETTER OF ESSENTIAL.

ON FEB-22-2006, I ADMITTED MYSELF TO SEGREGATION CONFINEMENT FOR FEAR OF GANG REPRISAL STEMING FROM AN INCIDENT AT PONTIAC PRISON THAT RESULTED IN MYSELF BEING SHOT BY TOWER GUARD DURING A KNIFE BRAWL WITH A NUMBER OF OTHER INMATES. I AM 52 YEARS OF AGE, AND FOR APPROXIMATELY (5) MONTHS CONFINED, HIDING HERE IN SEGREGATION WAITING FOR AN ADMINISTRATION FINAL MOVE DECISION. WHEREFOR I REFUSE POPULATION OR YARD AND ON (3) OCCASSIONS I HAVE REQUESTED THAT I BE SHIPPED RIGHT AWAY TO ANOTHER FACILITY OR PROTECTIVE CUSTODY, ONLY TO BE TOLD NOTHING. NO INTERNAL REVIEW VISIT, NOR ANYTHING ELSE.

ON MAR-22-2006, AGAIN I WAS SUMMIT TO THE ADJUSTMENT DISCIPLINARY COMMITTEE FOR REFUSE HOUSING ASSIGNMENT. COMMITTEE ASSESSMENT (2) MONTHS SEGREGATION. ON MAY-22-2006, THE 3RD COMMITTED SUMMIT, ASSESSMENT (3) MONTHS SEGREGATION.

OF IMPORTANCE, I VERBALLY INFORMED THIS DISCIPLINARY COMMITTEE ABOUT THE PONTIAC SHOOTING THAT RESULTED IN MY CRIMINAL TRIAL, TESTIMONY AND CONVICTION. WHEREBY, SINCE MY ARRIVAL HERE AT PINCKNEYVILLE, APPROXIMATELY (15) FORMER PONTIAC INMATES HAVE CONFRONTED AND THREATEN TO DO BODY HARM TO ME. I SO INFORMED THIS COMMITTEE

RESPECTFULLY, A.R.B. I TRUST YOU WILL ANSWER AND RESPOND PROMPTLY, DOCUMENTS ATTACHED HERE

THANKYOU SINCERELY
ENRICA LEVY #A93734
BOX 999
PINCKNEYVILLE, ILL, 62271

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Authorization for Payment

Posting Document # _____ Date 9-7-2007
 Offender Name ENRICA LEVY ID# A93734 Housing Unit 4A #420
 Pay to _____
 Address _____
 City, State, Zip _____

The sum of _____ dollars and _____ cents charged to my trust fund
 account, for the purpose of ① LEGAL ENVELOPE TO DIRECTOR OF PRISONS
SPRINGFIELD, ILL
☒ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic
 funds transfers to be placed in the attached mail.

Offender Signature Enrica Levy ID# A93734

Witness Signature Duffy 5804

☐ Approved ☐ Not Approved Chief Administrative Officer Signature 4/1

Postage applied in the amount of _____ dollars and 41 cents.

Distribution: Business Office, Offender

Printed on Recycled Paper

DOC 0296 (Eff. 1/2008)
 (Replaces DC 828)

PRIVILEGED
 MAIL

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Authorization for Payment

Posting Document # _____ Date 9-7-2007
 Offender Name ENRICA LEVY ID# A93734 Housing Unit 4A #420
 Pay to _____
 Address _____
 City, State, Zip _____

The sum of _____ dollars and _____ cents charged to my trust fund
 account, for the purpose of ① LEGAL ENVELOPE TO A.R.B. SPRINGFIELD, ILL
☒ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic
 funds transfers to be placed in the attached mail.

Offender Signature Enrica Levy ID# A93734

Witness Signature Duffy 5804

☐ Approved ☐ Not Approved Chief Administrative Officer Signature 4/1

Postage applied in the amount of _____ dollars and 41 cents.

Distribution: Business Office, Offender

DOC 0296 (Eff. 1/2006)

PRIVILEGED
 MAIL

BEAR

Prisons Director

Case 1:08-cv-00573 Document 1 Filed 01/25/2008 Page 19 of 66
Administration Review Bd,

9-
IND
(LETTER)

2007

RE: GRIEVANCE RESPOND ?

APPROXIMATELY 7-24-2007, BY MONEY WATCHER- ENVELOPE,

I FORWARD MY GRIEVANCE APPEAL TO YOUR OFFICE,

IRONICALLY, I STILL HAVEN'T RECEIVE A RESPONSE.

HOWEVER, GRIEVANCE MATTER CONCERN (REVOCATION OF GOOD
TIME) AND A VIOLATION OF MY STATE AND FEDERAL RIGHTS,
CRUEL AND UNUSUAL PUNISHMENT.

RESPECTFULLY, I TRUST YOU WILL ANSWER THIS PLEA PROMPTLY.

THANK YOU

ENRICO LEVY #A93734

RT. R2 BOX 31

SUMNER, ILL, 62466

N.D. ILL. 1998 ILLINOIS PRISONER'S ACTION CONCERNING HIS GRIEVANCE AGAINST PRISON OFFICIALS MET REQUIREMENT FOR EXHAUSTION OF ADMINISTRATIVE REMEDIES UNDER PRISON LITIGATION REFORM ACT (P.L.R.A.); PRISONER FILED A GRIEVANCE WITHIN SIX MONTHS AND LATER APPEALED THE DECISION TO THE DIRECTOR OF DEPARTMENT OF CORRECTION, AND PRISONER TWICE CONTACTED ADMINISTRATIVE REVIEW BOARD AFTER HEARING AND DID NOT RECEIVE A RESPONSE. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT § 7, 42 U.S.C.A. § 1997E; ILL. ADMIN. CODE TITLE 20, §§ 504.810,

{ JONES V. DETMIA
42 F. Supp 2d 824 }

LAW IN SUPPORT

N.D. ILL. 2000. TWO ELEMENTS ARE REQUIRED FOR AN ABUSE OF PROCESS CLAIM UNDER ILLINOIS LAW: (1) AN ULTERIOR PURPOSE OR MOTIVE, AND (2) SOME ACT IN USE OF LEGAL PROCESS NOT PROPER IN REGULAR PROSECUTION OF PROCEEDING. PAYTON V. RUSH PRESBYTERIAN - ST. LUKE'S MEDICAL CENTER.

82 F. Supp. 2d. 901

EMERGENCY REVIEW	
Date Received: _____ / _____ / _____	<p>Is this determined to be of an emergency nature?</p> <p><input type="checkbox"/> Yes; expedite emergency grievance</p> <p><input type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.</p>
<p>_____ Chief Administrative Officer's Signature</p>	<p>_____ Date</p>



Illinois
Department of
Corrections

Rod R. Blagojevich
Governor

Roger E. Walker Jr.
Director

1301 Concordia Court / P.O. Box 19277 / Springfield, IL 62794-9277 / Telephone: (217) 558-2200 / TDD: (800) 526-0844

August 13, 2007

Enrico Levy
Register No. A93734
Lawrence Correctional Center


Dear Mr. Levy:

This is in response to your grievance received on May 16, 2007, regarding sentence credit (denied GCC restoration 8/06), which was alleged to have occurred at Lawrence Correctional Center. This office has determined the issue will be addressed without a formal hearing.

The Grievance officer's report (4-69) and subsequent recommendation dated April 27, 2007 and approval by the Chief Administrative Officer on May 2, 2007 have been reviewed.

Based on a total review of all available information, it is the opinion of this office that the issue was appropriately addressed by the institutional administration. It is, therefore, recommended the grievance be denied.

FOR THE BOARD:


Jackie Miller
Administrative Review Board
Office of Inmate Issues

CONCURRED:


Roger E. Walker Jr.
Director

cc: Warden Derwin Ryker, Lawrence Correctional Center
Enrico Levy, Register No. A93734



Illinois
Department of
Corrections

Rod R. Blagojevich
Governor

Roger E. Walker Jr.
Director

1301 Concordia Court / P.O. Box 19277 / Springfield, IL 62794-9277 / Telephone: (217) 558-2200 / TDD: (800) 526-0844

August 14, 2007

Enrico Levy
Register No. A93734
Lawrence Correctional Center

Dear Mr. Levy:

This is in response to your grievance received on June 6, 2007, regarding a disciplinary report dated April 11, 2007, which was alleged to have occurred at Pinckneyville Correctional Center. This office has determined the issue will be addressed without a formal hearing. ←

This office has reviewed the disciplinary report, 200700926/1, written by Officer Doeding, citing you for the offenses of 403-Disobeying a Direct Order. A review of the Adjustment Committee summary indicates you were found guilty of 403. Recommended discipline was: 3-months C grade, 3-months segregation and 3-months GCC revocation. ←
The Chief Administrative Officer concurred with the recommendation on 4/20/07. The PRB approved 3-months GCC revocation on 7/2/07.

Based on a review of all available information and a compliance check of the procedural due process safeguards outlined in Department Rule 504, this office is reasonably satisfied you committed the offense and recommends the grievance be denied.

FOR THE BOARD: _____

Jackie Miller
Jackie Miller
Administrative Review Board
Office of Inmate Issues

CONCURRED: _____

Roger E. Walker Jr.
Roger E. Walker Jr.
Director

cc: Warden Derwin Ryker, Lawrence Correctional Center
Enrico Levy, Register No. A93734

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE

FINAL SUMMARY REPORT

Name: LEVY, ENRICO

IDOC Number: A93734

Race: BLK

Hearing Date/Time: 12/1/2006 02:01 PM

Living Unit: PNK-R5-B-65

Orientation Status: N/A

Incident Number: 200603863/1 - PNK

Status: Final

Date	Ticket #	Incident Officer	Location	Time
11/22/2006	200603863/1-PNK	DAVID, JEFFREY A	R5 CELLHOUSE	08:00 AM

Offense	Violation	Final Result
403	Disobeying A Direct Order <i>Comments: Refused Housing 5th offense*****</i>	Guilty

Witness Type	Witness ID	Witness Name	Witness Status
No Witness Requested			

RECORD OF PROCEEDINGS

Inmate refused to appear before the committee. See attached DCA-15479.

BASIS FOR DECISION

Based on DR written by Lt. David who gave Levy, A93734 a direct order to pack his property and exit his cell and accept his housing assignment in population. Levy, A93734 refused the order. Inmate refused to appear before the committee to provide a defense. ID by employee.

Note: Fifth offense

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED

3 Months C Grade
3 Months Segregation
Revoke GCC or SGT 2 Months
Basis for Discipline: progressive

FINAL

3 Months C Grade
3 Months Segregation
Revoke GCC or SGT 2 Months



Signatures

Hearing Committee

JORDAN, CYNTHIA M - Chair Person

BLADES, JAMES D

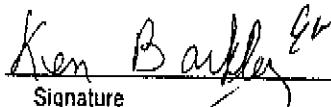
Recommended Action Approved

	12/01/06	BLK
Signature	Date	Race
	12/01/06	WHI
Signature	Date	Race

Final Comments: N/A

KENNETH G BARTLEY / EW 12/6/2006

Chief Administrative Officer



12/06/06

Signature

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.

Employee Serving Copy to Committed Person

When Served -- Date and Time

STATE OF ILLINOIS DEPARTMENT OF CORRECTIONS ADJUSTMENT COMMITTEE FINAL SUMMARY REPORT

Name: LEVY, ENRICO IDOC Number: A93734 Race: BLK
Hearing Date/Time: 9/10/2006 09:20 AM Living Unit: PNK-R5-B-65 Orientation Status: N/A
Incident Number: 200602862/1 - PNK Status: Final

Date	Ticket #	Incident Officer	Location	Time
9/6/2006	200602862/1-PNK	DOEDING, DOUGLAS G	R5 CELLHOUSE	01:10 PM

Offense	Violation	Final Result
403	Disobeying A Direct Order <i>Comments: Refused Housing</i>	Guilty

Witness Type	Witness ID	Witness Name	Witness Status
--------------	------------	--------------	----------------

No Witness Requested

RECORD OF PROCEEDINGS

Inmate refused to appear before the Committee to present a defense. Refusal slip DCA-15479 signed and dated 9/10/06.
(See attached)

BASIS FOR DECISION

Based on IDR written by reporting employee who while on R5 B-wing approached inmate Levy's A93734. Inmate was given a direct order (which was refused) to move to general population. Inmate refused to appear before the Committee to present a defense. Inmate ID'd by state ID card.

NOTE: Refused Housing - 4th offense

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED

3 Months C Grade

3 Months Segregation

Basis for Discipline: Refused Housing - 4th offense

FINAL

3 Months C Grade

3 Months Segregation


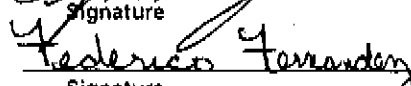
Signatures

Hearing Committee

JORDAN, CYNTHIA M - Chair Person

FERNANDEZ, FEDERICO

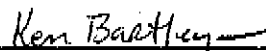
Recommended Action Approved

	09/10/06	BLK
Signature	Date	Race
	09/10/06	ASN
Signature	Date	Race

Final Comments: N/A

KENNETH G BARTLEY / AMU 9/13/2006

Chief Administrative Officer

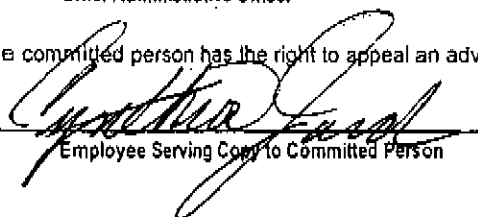


09/13/06

Signature

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.



Employee Serving Copy to Committed Person

9/15/06 8:00 A
When Served -- Date and Time

AL20

ILLINOIS DEPARTMENT OF CORRECTIONS
Sentence Calculation Worksheet
 LAWRENCE CORRECTIONAL CENTER

REVOCATION OF GOOD CONDUCT CREDITS WHEN SENTENCE IS DETERMINATE
 UNDER 1978 LAW

NAME Enrico Levy NUMBER A93734 DATE 7/20/07

(STEP 1)

Yr. Mo. Day

0-3-0 (Good Conduct Credits Revoked From
 Sentence By Director On 7/16/07)

(STEP 2) (MITTIMUS NUMBER 859939)

PROJECTED OUT DATE

Yr. Mo. Day
85-8-19

+ 21-6-0 (Custody Date)
 (Sentence Less G.C.C.)
07-2-19 (Projected Out Date or
 PRB Projected Out Date)
 + 3-6-0 (Previous Time - Lost/Awarded)
2010-8-17 (Projected Out Date)
 + 3 (Present Revocation)
2010-11-19 (Adjusted Projected Out Date)

(STEP 3)

MANDATORY OUT DATE

Yr. Mo. Day

+ (Custody Date)
 (Sentence)
 (Mandatory Out Date or
 PRB Mandatory Out Date)

Adj. Proj. Out Date 11-19-10
 Mandatory Out Date _____

Terminal Operator _____
 Date Entered _____

Calculated By lw

R9AL20

**CONSECUTIVE SENTENCE - DETERMINATE/MISDEMEANOR TO
DETERMINATE/MISDEMEANOR/PRISONER REVIEW BOARD OPT DATES**

NAME Enrico Long NUMBER A93254 DATE 7/20/07

(STEP 1)

YR. MO. DAY

	<u>85-8-19</u>	(1st Sentence)	
+	<u>10-9-0</u>	(Consecutive Sentence)	<u>86-8-14</u> <i>Section 355</i>
+	<u>73-5-0</u>	(Consecutive Sentence)	<u>11-25</u> <i>Credit</i>
	<u>85-8-19</u>	(Total Aggregated Sentence)	

(STEP 2)

YR. MO. DAY

	<u>85-8-19</u>	(Custody Date or P.R.B. Projected Out Date)
+	<u>21-6-3</u>	(Agg. Sent. less G.C.C. or CS less G.C.C.)
	<u>07-2-19</u>	(Projected Out Date)
or -	<u>3-9-0</u>	(Previous time lost or awarded)
	<u>2010-11-19</u>	(Adjusted Projected Out Date)

(STEP 3)

YR. MO. DAY

	<u>85-8-19</u>	(Custody or P.R.B. Mandatory Release Date)
+	<u>43</u>	(Agg. Sentence or C.S.)
	<u>2028-8-19</u>	(Mandatory Out Date)
+ or -		(Previous time lost)
		(Adjusted Mandatory Out Date)

ADJUSTED PROJ. OUT DATE 11-19-10 TERMINAL OPERATOR _____
MANDATORY OUT DATE 8-11-58 DATE ENTERED _____
CALCULATED BY an

Case 1:08-cv-00579 Document 1 Filed 01/25/2008 Page 28 of 66
 Date: MAR 10 2006 Committed Person (Please Print) EWR, CO LEVY ID# A93734

Present Facility: <u>PINCKNEYVILLE</u>	Facility where grievance issue occurred: <u>PINCKNEYVILLE</u>
----------------------------------------	---------------------------------------------------------------

NATURE OF GRIEVANCE:

☐ Personal Property ☐ Mail Handling ☐ Restoration of Good Time ☐ Disability
☒ Staff Conduct ☐ Dietary ☐ Medical Treatment ☐ Other (specify): _____
☐ Transfer Denial by Facility ☐ Transfer Denial by Transfer Coordinator
☐ Disciplinary Report: _____
Date of Report Facility where issued

Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:
 Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.
 Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.
 Chief Administrative Officer, only if EMERGENCY grievance.
 Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Brief Summary of Grievance: ON FEB-22-2006, I WAS HANDCUFF AND TAKEN TO SEGREGATION. I POSSESS ONE (1) HALF BAR OF SOAP. WITHIN A FEW DAYS IT WAS COMPLETELY DEPLETED. NO SOAP, NO TOOTHPASTE NOR TOOTHBRUSH. MANY TIMES, OVER AND OVER, I PICK AND REQUESTED TO ANY AND ALL OFFICERS FOR SOAP, INFORMING THEM THAT I HAVE NO SOAP. THE OFFICERS RESPOND, NO SOAP. AT THE SHOWER - ESCORTED BY OFFICERS - THEY ALWAYS TELL ME NO SOAP, NO TOOTHPASTE, NO TOOTHBRUSH. WITH \$9.00 IN MY FUNDS ACCOUNT, I CAN'T MAKE A PURCHASE UNTIL MY RESTRICTED STORE DATE IS DUE. ON MAR-13, I ORDERED THE LIMIT (2) BARS, UNFORTUNATELY THE LIMIT CHANGE TO (1) BAR A MONTH. 8 DAYS THIS STORE BAR WAS DEPLETED, CONTACT IMPOSSIBLE TO RETRIEVE SOAP FROM OTHER INMATES.

Relief Requested: THAT I BE GIVEN A SUPPLY OF SOAP IMMEDIATELY FOR EVERY DAY BODY WASH AND SHOWER. ALSO FOR SINK AND TOILET SANITATION.

☐ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

Emilia Henry A93734 3/10/2006
 Committed Person's Signature ID# Date

(Continue on reverse side if necessary)

Counselor's Response (If applicable)	
Date Received: <u>3/23/06</u>	<input type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: <u>Soap and other hygiene items are issued to indigent inmates only. 3-11 security staff stated that inmates are issued a toothbrush and razor. Dental recommended.</u>	
<u>L. Harmon</u> Print Counselor's Name	<u>[Signature]</u> <u>4/4/06</u> Counselor's Signature Date of Response

EMERGENCY REVIEW	
Date Received: <u>1/1/</u>	Is this determined to be of an emergency nature?
<input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner.	
<u>_____</u> Chief Administrative Officer's Signature	<u>1/1/</u> Date

GRIEVANCE OFFICER'S REPORT

Date Received: 4-10-06

Date of Review: 4-28-06

Grievance # (optional): 4-58

Committed Person: Levy

ID#: A93734

Nature of Grievance: Staff Conduct

Facts Reviewed: Inmate wants to be given soap and body wash so that he can take a he can stay clean on a daily basis, while in segregation.

Only indigent inmates are given soap and supplies. Inmate is currently not indigent.

Recommendation:

Based upon a total review of all available information, this Grievance Officer recommends the inmate's grievance be denied.

Dean Blades CLAS II

Print Grievance Officer's Name

(Attach a copy of Committed Person's Grievance, including counselor's response if applicable)

Grievance Officer's Signature

Chief Administrative Officer's Response

Date Received: 5-2-06

☒ I concur

☐ I do not concur

☐ Remand

Comments:

Chief Administrative Officer's Signature

Date

Committed Person's Appeal To The Director

I am appealing the Chief Administrative Officer's decision to the Director. I understand this appeal must be submitted within 30 days after the date of the Chief Administrative Officer's decision to the Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277. (Attach a complete copy of the original grievance, including the counselor's response, if applicable, and any pertinent documents.)

RECEIVED
JUL 12 2006
OFFICE OF
INMATE ISSUES

X10

X16



Illinois
Department of
Corrections

Rod R. Blagojevich
Governor

Roger E. Walker Jr.
Director

1301 Concordia Court / P.O. Box 19277 / Springfield, IL 62794-9277 / Telephone: (217) 522-2666 / TDD: (800) 526-0844

July 13, 2006

Enrico Levy
Register No. A93734
Pinckneyville Correctional Center

Dear Mr. Levy:

This is in response to your grievance received on June 8, 2006, regarding conditions (requests soap and body wash in seg), which was alleged to have occurred at Pinckneyville Correctional Center. This office has determined the issue will be addressed without a formal hearing.

The Grievance officer's report (4-56) and subsequent recommendation dated April 28, 2006 and approval by the Chief Administrative Officer on May 2, 2006 have been reviewed.

Based on a total review of all available information, it is the opinion of this office that the issue was addressed by the institutional administration. It is, therefore, recommended the grievance be denied.

FOR THE BOARD:

Jackie Miller
Administrative Review Board
Office of Inmate Issues

CONCURRED:

Roger E. Walker Jr.
Director

cc: Warden Ken Bartley, Pinckneyville Correctional Center
Enrico Levy, Register No. A93734
Chron. File



Illinois
Department of
Corrections

Rod R. Blagojevich
Governor

Roger E. Walker Jr.
Director

1301 Concordia Court / P.O. Box 19277 / Springfield, IL 62794-9277 / Telephone: (217) 522-2666 / TDD: (800) 526-0844

November 14, 2006

Enrico Levy
Register No. A93734
Pinckneyville Correctional Center

Dear Mr. Levy:


This is in response to your grievance received on November 6, 2006, regarding classifications (requests toothpaste), which was alleged to have occurred at Pinckneyville Correctional Center. This office has determined the issue will be addressed without a formal hearing.

Per grievance officer's report, segregation inmates receive a hygiene bag each month that includes toothpaste.

The Grievance officer's report (10-96) and subsequent recommendation dated October 25, 2006 and approval by the Chief Administrative Officer on October 25, 2006 have been reviewed.

Based on a total review of all available information, it is the opinion of this office that the issue was appropriately addressed by the institutional administration. It is, therefore, recommended the grievance be denied.

FOR THE BOARD:



Jackie Miller
Administrative Review Board
Office of Inmate Issues

CONCURRED:



Roger E. Walker Jr.
Director

cc: Warden Ken Bartley, Pinckneyville Correctional Center
Enrico Levy, Register No. A93734
Chron. File

EMRICE LEVY #A93734

Plaintiff

VS

STATE OF ILLINOIS, DEPT. OF
CORRECTION

Respondents

No. _____

SUMMONS
EMRICE LEVY

To the defendant, **HOSPITAL NURSE MRS. EMRICE LEVY**
YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance in the office of the clerk of this court at the Courthouse, Springfield, Illinois, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

Name _____ WITNESS, _____ 1960

Attorney for _____

Address _____ Clerk of Court

City _____ by _____ Deputy

Telephone _____ (Seal of Court)

Sheriff of _____ County

I certify that I served this summons on defendants as follows:

(a) — (individual defendants — personal):
 (The officer or other person making service, shall (a) identify as to sex, race and approximate age of the defendant with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of the day when the summons was left with the defendant.)

(b) — (individual defendants — abode):

By leaving a copy and a copy of the complaint at the usual place of abode of each individual defendant with a person of his family, of the age of 13 years or upwards, informing that person of the contents of the summons.
 (The officer or other person making service, shall (a) identify as to sex, race and approximate age of the person, other than the defendant, with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of day when the summons was left with such person.)

and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his usual place of abode, as follows:

Name of Defendant

Mailing Address

Date of mailing

(c) — (Corporation Defendants):

By leaving a copy and a copy of the complaint with the registered agent, officer or agent of each defendant corporation, as follows:

Defendant corporation

Registered agent, officer or agent

Date of service

(d) — (Other service):

VS

Plaintiff

STATE OF ILLINOIS, DEPT. OF
CORRECTION,

Respondents

No. _____

SUMMONS

To the defendant: HOSPITAL NURSE MRS. B. J. JEN

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance in the office of the clerk of this court at the Courthouse, Springfield, Illinois, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

Name _____ WITNESS, _____ 2008

Attorney for _____

Address _____ Clerk of Court

City _____ by _____ Deputy

Telephone _____ (Seal of Court)

Sheriff of _____ County

I certify that I served this summons on defendants as follows:

(a) — (Individual defendants — personal:

(The officer or other person making service, shall (a) identify as to sex, race and approximate age of the defendant with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of the day when the summons was left with the defendant.)

(b) — (Individual defendants — abode):

By leaving a copy and a copy of the complaint at the usual place of abode of each individual defendant with a person of his family, of the age of 13 years or upwards, informing that person of the contents of the summons. (The officer or other person making service, shall (a) identify as to sex, race and approximate age of the person, other than the defendant, with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of day when the summons was left with such person.)

and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his usual place of abode, as follows:

Name of defendant

Mailing Address

Date of mailing

(c) — (Corporation defendants):

By leaving a copy and a copy of the complaint with the registered agent, officer or agent of each defendant corporation, as follows:

Defendant corporation

Registered agent, officer or agent

Date of service

(d) — (Other service):

REQUEST FOR PAYMENT

STATE OF ILLINOIS
DEPARTMENT OF CORRECTIONS

Date: 5/24/14

Name (print): J. M. J. J.

J. M. J. J.

I.D. No.:

1058931

Housing Unit:

24165

Please pay to:

J. M. J. J.

Address:

City:

State:

Zip:

The sum of

2 dollars and 00 cents

and charge to my account, for

MSC

☐ APPROVED☐ NOT APPROVED

J. M. J. J.

Inmate Signature

ID No.

Assistant Warden/Supervisor/Designer

Witness

REQUEST FOR PAYMENT OF POSTAGE

Postage requested in the amount of _____ dollars and _____ cents

☐ Postage Paid

DC 828 (09/91)

REQUEST FOR PAYMENT OF POSTAGE

I hereby request and authorize payment of postage for the attached mail.

Inmate Signature

ID No.

FOR TRUST FUND USE ONLY

Trust Fund Balance \$ _____

Less amount of payment \$ _____

Current balance after payment \$ _____

Check No. _____ Date _____

Business Office

FOR JUVENILE DIVISION USE ONLY

Received by: _____ Date _____

Received by: _____ Date _____

IL 426-0207

P.20A

EXHIBIT (R)-1

REQUEST FOR PAYMENT

STATE OF ILLINOIS
DEPARTMENT OF CORRECTIONS

Date:

6-6-06

Name (print):

Dillon

I.D. No.:

A93734

Housing Unit:

S665

Please pay to:

Dillon

Address:

City:

State:

Zip:

The sum of

200

dollars and

cents

and charge to my account, for

Jaffer

☒ APPROVED☐ NOT APPROVED

Inmate Signature

ID No.

A93734

Assistant Warden/Supervisor/Designer

Witness

REQUEST FOR PAYMENT OF POSTAGE

Postage requested

in the amount of

dollars

cents

☐ Postage Paid

NO: A93734 (09/01)

REQUEST FOR PAYMENT OF POSTAGE

I hereby request and authorize payment of postage for the attached mail.

Inmate Signature

ID No.

FOR TRUST FUND USE ONLY

Trust Fund Balance

\$

Less amount of payment

\$

Current balance after payment

\$

Check No.

Date

Supervisor Office

FOR JUVENILE DIVISION USE ONLY

Received by:

(Staff)

Date

Received by:

(Youth)

Date

TT: A93734 (09/01)

REQUEST FOR PAYMENT
STATE OF ILLINOIS
DEPARTMENT OF CORRECTIONS

Date: 5-2-01

Name (print): LEWIS, EUGENE ID No: 100724 Housing Unit: 5165

Please pay to: INMTC

Address: _____

City: _____ State: _____ Zip: _____

The sum of 2 dollars and 2 cents

and charge to my account, for INMTC

☐ APPROVED James J. Cook ADJ. ST.

☒ NOT APPROVED James J. Cook ADJ. ST.

Signature: _____ ID No: _____

Agency: _____ Date: _____

REQUEST FOR PAYMENT OF POSTAGE

Postage requested in the amount of _____ dollar(s) and _____ cent(s)

Postage Paid DC 320 (09/91)

REQUEST FOR PAYMENT OF POSTAGE
I hereby request and authorize payment of postage for the attached mail.

ID No. _____ Signature _____

FOR TRUST FUND USE ONLY

Trust Fund Balance \$ _____

Less amount of payment \$ _____

Current balance after payment \$ _____

Check No. _____ Date _____

Signature _____ Date _____

RECEIVED BY: _____

Received by: _____

Received by: _____

Received by: _____

Received by: _____

Received by: _____

Received by: _____

Received by: _____

Received by: _____

Received by: _____

Received by: _____

EX-20.64 (R)-2

XL 26-46-07 2000

U.S. FEDERAL COURT
THE STATE OF ILLINOIS
NORTHERN DIST.

ENRICO LEVY #A93734

PETITIONER

-VS-

CASE NO. -

STATE OF ILLINOIS, DEPT. OF
CORRECTION, PINCKNEYVILLE
WARDEN BARKLEY, PRISON DIRECTOR
ROGER E. WALKER JR.

Respondents

PLAINTIFF'S
PRO SE.

MOTION REQUEST FOR SETTLEMENT

CONFERENCE: PURSUANT TO
FED. RULE APP. P. 33

I, ENRICO LEVY, PETITIONER PRO SE, RESPECTFULLY HEREBY MOVE WITH MOTION
AND PRAYER TO THIS HONORABLE COURT, AND IN SUPPORT STATES:

1. I AM NOT REPRESENTED BY AN ATTORNEY IN THIS CASE, HOWEVER
VERIFICATION OF SOLICITATION WAS MADE.
2. I AM THE PETITIONER IN THE ABOVE CAPTIONED CASE.
3. I AM A PRISONER INCARCERATED (22) YEARS IN THE ILLINOIS DEPT. OF
CORRECTION, AT THE PRESENT, RESIDENT HERE AT PINCKNEYVILLE PRISON, ILL.
4. THIS MOTION AND PETITION IS SUPPORTED WITH AFFIDAVIT AND DOCUMENTS
5. PETITIONER PRAY THIS HONORABLE COURT GRANT MOTION REQUEST.

TO LISA MADIGAN
CLAIM SECTION AND
ILLINOIS ATTORNEY GENERAL

RE: ENRICO LEVY #A93734

PLAINTIFF

CASE No.
PRIVILEGED SETTLEMENT
NEGOTIATION

WEIR

THIS REQUEST IS REGARDING IN ME THE ABOVE ENTITLED ACTION ON _____
WHILE AN INMATE AT THE ILLINOIS DEPT. CORRECTION FACILITY, PINCKNEYVILLE,
THERE SUSTAINED PHYSICAL INJURY.

INCIDENT, PRISON EMPLOYEES VIOLATED PLAINTIFF'S RIGHTS TO HUMANE CONDITIONS
OF CONFINEMENT

PLAINTIFF MOVE TO MAKE A DEMAND WHICH INCLUDE A MONETARY AMOUNT. HEREBY,
THE TERMS OF WHICH SHALL BE MEMORIALIZED IN GREATER DETAIL IN A FORMAL
SETTLEMENT AGREEMENT.

- (1) THE STATE OF ILLINOIS SHALL CAUSE TO BE EXECUTED A CERTIFIED CHECK IN THE
AMOUNT OF \$ _____ FUNDS PAYABLE TO PLAINTIFF, TO BE DELIVERED
TO PLAINTIFF AT THE GIVEN ADDRESS WITHIN 30 DAYS OF THE SIGNING OF A
SETTLEMENT AGREEMENT.
- (2) PLAINTIFF AGREE TO DISMISS WITH PREJUDICE ALL CLAIMS PLEAD OR UNPLEAD
AGAINST THE STATE OF ILLINOIS (DEFENDANTS)

PLEASE CONTACT ME WITH ANY QUESTIONS
REGARDING THIS PLEA.

SINCERELY
Enrico Levy #A93734

LAW IN SUPPORT

C.A. 7 (II) 2003. INMATE'S ALLEGATIONS ABOUT BEING DENIED SOAP, A TOOTHBRUSH,
AND TOOTHPASTE, IF TRUE, COULD SATISFY OBJECTIVE COMPONENT OF THE EIGHTH
AMENDMENT INQUIRY

U.S.C.A. CONST. AMEND. 8; 42 U.S.C.A. §1983 -

JAMES V. O'SULLIVAN, 62 FED. APPX. 636

RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT

LAW IN SUPPORT

N.D. Ill. 2000. INMATE'S CLAIM THAT HE WAS DEPRIVED OF OUT OF CELL EXERCISE FOR SIX MONTHS DURING PRISON LOCKDOWN, AND THAT HE BECAME DEPRESSED AS A RESULT, PRESENTED COGNIZABLE § 1983 CLAIM OF CRUEL AND UNUSUAL PUNISHMENT, WHERE THE ONLY OUTINGS OFFERED TO INMATE WERE WEEKLY SHOWERS AND A HANDFUL OF FAMILY AND MEDICAL VISITS, AND INMATE DID NOT APPEAR TO PRESENT ANY PARTICULARIZED SECURITY RISK THAT MIGHT JUSTIFY LOSS OF HIS EXERCISE PRIVILEGES. U.S.C.A. CONST. AMEND. 8, 42 U.S.C.A. § 1983 - DEIANEY V. DETELLA 123 F. SUPP 2d. 429 ORDER AFFIRMED AND REMANDED 256 F.3d. 679

"LAW IN SUPPORT"

C.A. 7 (ILL) 2000 PRISON OFFICIAL CANNOT BE FOUND LIABLE FOR DENYING AN INMATE HUMAN CONDITIONS OF CONFINEMENT IN VIOLATION OF EIGHTH AMENDMENT UNLESS OFFICIAL KNOWS OF AND DISREGARDS EXCESSIVE RISK TO INMATE'S HEALTH OR SAFETY; OFFICIAL MUST BOTH BE AWARE OF FACTS FROM WHICH INFERENCE CAN BE DRAWN THAT SUBSTANTIAL RISK OF SERIOUS HARM EXISTS, AND MUST ALSO DRAW THAT INFERENCE. U.S.C.A. CONST. - AMEND. 8 - ZENTMYER V. KENDALL COUNTY JAIL, - ILL. 220 F.3d 805

"LAW IN SUPPORT"

N.D. (ILL) 1996 REQUIREMENT THAT INMATES RECEIVE FIVE HOURS OF EXERCISE PER WEEK DOES NOT APPLY WHEN DEPRIVATION IS SHORT-TERM OR WHEN INMATE'S DISCIPLINARY RECORD MAKES IT REASONABLE TO RESTRICT HIM BASED ON PRISON'S INTEREST IN ORDER AND SAFETY U.S.C.A. CONST. AMEND. 8 - WATTS V. RAMON 948 F. SUPP. 239

LAW IN SUPPORT

N.B. IN 1987, ILLINOIS PRISONER REVIEW BOARD WOULD HAVE VIOLATED PRISONER'S CONSTITUTIONAL RIGHTS IF IT DENIED HIS PAROLE APPLICATION BECAUSE OF HIS AFRICAN HERITAGE WHEN IT WOULD HAVE GRANTED PAROLE APPLICATION OF ANOTHER PRISONER SIMILARLY SITUATED WHO WAS OF EUROPEAN HERITAGE.

42 U.S.C.A. §1983

DAVID-EL V. O'LEARY, 668 F. SUPP. 1189.

CLAIMANT HAVE A RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT,
U.S.C.A. 8TH. AMENDMENT

TO HOLD A PRISON OFFICIAL PERSONALLY LIABLE FOR VIOLATING AN INMATE'S RIGHT TO HUMANE CONDITIONS OF CONFINEMENT, A PLAINTIFF MUST SATISFY TWO REQUIREMENTS CONSISTING OF A SUBJECTIVE AND AN OBJECTIVE COMPONENT, THE SUBJECTIVE COMPONENT IS SATISFIED ONLY IF THE OFFICIAL KNOWS OF AND DISREGARDS AN EXCESSIVE RISK TO INMATE HEALTH AND SAFETY, WHILE THE OBJECTIVE COMPONENT REQUIRES THAT THE ALLEGED DEPRIVATION BE SUFFICIENTLY SERIOUS. 5-8-4 - BAMUM V. SEDGWICK 27 FED APPX. 965

C.A. 7 (ILL) 1999

HENDERSON V. SHEAHAN

196 F.3RD. 839

REHEARING DENIED 126 S.Ct. 2691

530 U.S. 1244

147 L.Ed. 2ND 962

BERRY 900 F.2d 1495.

BERRY COURT HELD THAT AN OFFICIAL OR MUNICIPALITY ACT WITH DELIBERATE INDIFFERENCE IF ITS CONDUCT OR ADOPTED POLICY DISREGARD A KNOWN OR OBVIOUS RISK THAT IS VERY LIKELY TO RESULT IN THE VIOLATION OF A PRISONER'S CONSTITUTIONAL RIGHTS"

Id. AT 1446 DELIBERATE INDIFFERENCE IS SHOWN, ACCORDING TO THE BERRY COURT, BY (1) "ACTUAL KNOWLEDGE OF THE SPECIFIC RISK ... OR THAT THE RISK WAS SO SUBSTANTIAL OR PERVASIVE THAT KNOWLEDGE CAN BE INFERRED", (2) A FAILURE "TO TAKE REASONABLE MEASURES TO AVERT THE HARM", AND (3) A FAILURE WHICH IN LIGHT OF THE KNOWLEDGE "JUSTIFIES LIABILITY FOR THE ATTENDANT CONSEQUENCES OF ... CONDUCT, EVEN THOUGH UNINTENDED ..." BERRY, 900 F.2d AT 1498

SENTENCING AND PUNISHMENT → 1533

350 HK 1533 Most cited cases

Formerly 110 K 123.10(1.)

ACTUAL KNOWLEDGE OF SUBSTANTIAL RISK OF SERIOUS

HARM CAN BE INFERRED BY TRIER OF FACT FROM OBVIOUSNESS OF THE RISK
IN DETERMINING WHETHER PRISON OFFICIALS HAVE BEEN DELIBERATELY
INDIFFERENT TO PRISONER'S SAFETY; PRISONER MAKING DELIBERATE
→ INDIFFERENCE CLAIM NEED NOT ESTABLISH THAT PRISON OFFICIAL
INTENDED HARM THAT ULTIMATELY TRANSPIRED
U.S.C.A. CONST. AMEND 8; 42 U.S.C.A. § 1983

~~X~~ APPENDIX B

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing APPENDIX Petition No. 1 B
(Insert name of document)

was mailed/delivered to RESPONDENTS
(Insert name of defendant(s) and address(es) or name of attorney(s) and address(es))

on Nov-28, 2007.

Emilio Henry
(Sign/print your name)

X

PAGE (1)

STATEMENT OF CLAIMWITNESSES TO THE OCCURRENCE:

- ① CELL MATE JONES⁺
- ② Hospital NURSE
- ③ PRISON Doctor "FEINERMAN"

DEC-9-2004, MY ARRIVAL TO THIS PRISON, PINE KNEYVILLE, ON DEC-16-2004, I FILED A GRIEVANCE CONCERNING PRISON LIVING AND-SANITATION CONDITIONS, SUCH AS ISSUED USED CLOTHING, USED BADLY STAIN BEDLINENS. NO ISSUED SOAP, NO DISINFECTANT CLEANING SUPPLY, NOTHING FOR CELL UNIT TO RID OF DISEASE CARRYING MICROORGANISMS. UNFORTUNATELY MY PLEA AND GRIEVANCE RESULTS TO NO AVAIL. QUOTE, INMATES ARE NOT GIVEN DISINFECTANT TO CLEAN CELL.

WITH NO PREVIOUS SYMPTOM, ON (JAN-25-2005), 1 1/2 MONTH LATER, I AWAKE WITH HIGH FEVER, HEAVY CHEST PAIN, SEVERE LUNGS BURNING, HEAD PAIN, AND EYES BURNING. WITH THROAT PROBLEM ALONE WITH SEVERE COUGHING, BREATHING DIFFICULTY, ETC.

IMMEDIATELY, I SUMMON THE CELL-HOUSE LIEUTENANT WHO THEN CALLED THE NURSE, ARRIVING (1) HOUR LATER. UPON EXAMINATION DIAGNOSIS, I WAS IMMEDIATELY WHEELED OFF TO THE HOSPITAL. ONCE AGAIN I WAS EXAMINE BY DR. FEINERMAN WHO INFORMED LT. HOFFMAN, OVER MY OBJECTION, THAT I COULD NOT RETURN BACK TO THE CELL-HOUSE LIVING UNIT, UNDER NO CIRCUMSTANCES.

UNFORTUNATELY, CONFINED IN THE HOSPITAL FOR (4) DAYS THEN DISCHARGE BACK TO THE SAME CELL.

(CONT.)

PAGE 2.

EXHIBIT (S) B

STATEMENT OF CLAIM

FURTHER, AS I WAS PREPARING TO EXIT THE HOSPITAL, I'D ENCOUNTER MY ^{JONES#} (CELL MATE). JONES, WHO INFORMED ME THAT HE LATER ALSO BECAME ILL WITH SIMILAR ILLNESS AND ADMITTED HIMSELF INTO THE HOSPITAL FOR (1) day.

ON FEB-5-2005, I WAS MOVED TO A CELL WITH ANOTHER HEALTHY INMATE. WITHIN ONE DAY HE ALSO SUCCEUMB TO ILLNESS THAT LASTED MANY DAYS.

MEANWHILE, MY LONG ILLNESS STILL PERSIST.

→ (Additional INFORMATION: CELL-MATE JONES# ^{MAIPRACTICE} SUIT AND SETTLEMENT-
JONES V. NATESHA 151 F. SUPP 2d. 938 N.D. ILL
 STATES, HEMORRHOID condition WAS A "SERIOUS MEDICAL NEED,"
 WHERE HIS HEMORRHOIDS WERE SERIOUS ENOUGH TO LEAD CORRECTIONAL
 CENTER PHYSICIANS TO PERFORM THREE SURGERIES WITHIN TWO YEARS.

→ WHILE MYSELF AND JONES WERE CELL-MATES, HE CONTINUE BLEEDING
 FROM BOWEL-ANUS AND USE AND CONTAMINATED TOILET AND WASH BASIN/WKLY
 MEANWHILE PRISON OFFICIALS CONTINUE TO DENIE ME DISINFECT/CLEANING
 SUPPLY, THEREBY DISREGARD FOR MY HEALTH AND SAFETY, TOTALLY
 DELIBERATE INDIFFERENCE

Offender Outpatient Progress Notes

→ EXHIBIT ③ A

Pinckneyville Correctional Center

Offender Information:

Levy

Enrico

ID#:

A93734

Treatment Protocol:

Chest Pain

Date/Time	Subjective, Objective, Assessment	Plans
1-28-05	S. How long present? 2 days now	P. MD referral (circle):
0930	How did it start? ate noodles then	All chest pain not related to injury or muscle strain. HX angina, HTN, high lipids, heart problems.
	Past history: woke up at couldn't breathe. c/o lungs	Indigestion and abnormal VS, pain unrelieved after implementing TX. Protocol.
	burning throat hurting.	Transfer to HCU via wheelchair/stretcher.
	Describe the pain: (i.e. sharp, knife like, tight, squeezing, dull, stabbing, etc.)	DO NOT AMBULATE.
		1. Refer to MD
	Recent injury/strain: Q	2. O2 by nasal cannula at 2-4 L/min. or by face mask at 6-10 L/min. according to MD orders.
	Q N/V	3. Cardiac monitoring.
	What relieves the pain? Nothing	4. Nitrostat gr. 1/150 SL every 5 min. x 3 in sitting or lying position.
	What increases the pain? Every movement	5. Start IV of 1000 cc NS.
	Does pain radiate? (Y/N)	6. EKG stat.
	O. T 102.2° P 76/min R 16	7. VS every 10 mins (document in medical progress notes)
	BP 120/68 WT 155	8. Disposition of inmate according to MD
	Heart rhythm: regular	
	Irregularities: Y/N	No MD Referral (for chest pain related to injury/muscle strain)
	Auscultate lungs: CTAB	1. Avoid activities which increase pain.

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Infirmary Progress Notes

→ EXHIBIT (3) B

Offender Information:

Levy

Last Name

ENR. LO

First Name

ID#:

A93734

Date/Time	Subjective, Objective, Assessment	Plans
1/28/05	LPV Note	
10:15 AM	S No I don't want to stay here.	P Cont present care
	D. I'm advised that he would be placed on seg status and would stay in iso cell in HCU. he decided to stay as a detainee admitt. Alert + O x 3 and 5 diff. BS diminished on R-side skin warm + dry. Temp elevated. Resp. even has a cough non productive w/ ISO VS Temp elevated. A alt in comfort	
1-28-05	LPV Note	Thucas LP
1200 Noon	O-Labs drawn CBC, CMP, UA by M. Blane RN	P Labs
		Thucas LP

→ EXHIBIT ①A

ILLINOIS DEPARTMENT OF CORRECTIONS
COMMITTEE PERSON'S GRIEVANCE

EXHIBIT
36 → cell 12

DEC-16-2004 **Committed Person:** EMILIO LEVY **Cell:** A93734

Present Facility: Hill **Facility where grievance arose (if different):** Hill

NATURE OF GRIEVANCE:

☐ Personal Property ☐ Mail Handling ☐ Restriction of Good Time ☐ Discipline ☐ Other

☒ Staff Conduct ☐ Dietary ☐ Medical Treatment

☐ Transfer Denial by Facility ☐ Transfer Denial by Transfer Coordinator

☐ Disciplinary Report

NOTE: Protective Custody Denials may be grieved immediately via the local administration of the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Sickdown Record, etc.) and send to: Counselor, unless the issue involves discipline, or is subject to direct review by the Administrative Review Board, Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor, Chief Administrative Officer, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by local Administrative Officer.

Brief Summary of Grievance: I INCARCERATED 14 YEARS, ON 12-15-2004, I WAS INAPPROPRIATE CLASSIFIED AND SHIPPED FROM HILL PRISON TO AN ILLINOIS NOT HEALTHY, UNSOUND, BAD SICK, RESULTING IN SUFFERING, DISTRESSING, HOSTILE, UNFRIENDLY, NOT FAVORABLE, UNPROFITABLE, NOT UP TO STANDARD, WORST, IN A SICKLY MANNER, NOT WELL, ILL EQUIPED, INEFFICIENT PINKETTYVILLE PRISON, UPON ARRIVAL, I WAS ISSUED ALL STATE-USED CLOTHING, AND THE CLOTHING SUPERVISOR INSTRUCTED ME THAT I MUST MAINTAIN (1) YEAR, THEN I'M ABLE AND ELIGIBLE TO RECEIVE NEW STATE ISSUED CLOTHING.

FURTHERMORE NEITHER HAS I RECEIVE DISINFECT FOR PREVENTING GERM TO RID OF DISEASE CARRYING MICROORGANISMS, NOR CLOTHING SOAP.

RECENT REQUESTED: AS OF LATE, THE SHOES-MY FEET BECAME INFECTED, THE BECAME BALLYSTING, I HAVE SUFFERED TO SEVERE PAIN-ITCH IRRITATION AND COMPULSIVE BODY ITCH.

THAT I BE ENTIRELY ISSUED A COMPLETE SET OF NEW SHOES-CLOTHING AND BEL LINGER TODAY

☐ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

Emilio Levy A93734 12/16/2004

Committed Person's Signature

(Continue on reverse side if necessary)

Counselor's Response (if applicable)

Date Received: 1/18/05 ☐ Send directly to Grievance Officer ☐ Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277.

Response: Answers are not given disingenuous to a clean shirt cell. Due to safety & security concerns the clothing from Superior is not given to individuals and good serviceable clothing is not given to individuals. If you cannot afford an exchange for 1 year.

J. K. KIRK COT J. K. KIRK 1/19/05

First Counselor's Name Counselor's Signature Date of Response

EMERGENCY REVIEW

Date Received: 1/18/05 **Is this determined to be of an emergency nature?** ☐ Yes; explicit emergency grievance ☐ No; on emergency is not substantiated. Committed person should submit this grievance in the normal manner.

Chief Administrative Officer's Signature

Distribution: Mentor File; Complainant Person

Page 1

DRC 0012 (Rev. 10/1/01) 12
(Revised 1/12/02)

→ EXHIBIT DB

ILLINOIS DEPARTMENT OF CORRECTIONS
RESPONSE TO COMMITTED PERSON'S GRIEVANCE

→ EXHIBIT

Grievance Officer's Report

Date Received: February 14, 2005 Date of Review: February 14, 2005 Grievance Number: 2-36

Committed Person: Levy

ID#: A93731

Nature of Grievance: Staff Conduct

→ Facts Reviewed: IA alleges misconduct by staff due to his not being issued disinfectant soap for cleaning his cell. IA request relief in the form of he be issued all new state issued items.

Per the Clothing Room Supervisor this inmate was issued serviceable, clean, bed linens and clothing upon his arrival at PNCCC and he is not eligible to exchange them for one (1) calendar year.

Disinfectant soap is not issued to any inmate for any purpose on an individual basis. An inmate may cleanse his cell with detergent soap which can be purchased from the inmate commissary.

I failed to find evidence to substantiate the inmates allegations of misconduct by staff.

Recommendation: Grievance was denied.

Wilbur "Gene" Pursell

Print Grievance Officer's Name

(Attach a copy of Committed Person's Grievance, including counselor's response if applicable.)



Grievance Officer's Signature

Chief Administrative Officer's Response

Date Received: _____ ☒ I concur ☐ I do not concur ☐ Remand

Comments: _____



Chief Administrative Officer's Signature

2/18/05

Date

Committed Person's Appeal To The Director

I am appealing the Chief Administrative Officer's decision to the Director. I understand this appeal must be submitted within 30 days after the date of the Chief Administrative Officer's decision to the Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277. (Attach a complete copy of the original grievance, including the counselor's response, if applicable, and any pertinent documents.)



Committed Person's Signature

A93731

ID#

2/1/2005

Date



Illinois
Department of
Corrections

→ EXHIBIT ① C

Rod R. Blagojevich
Governor

Roger E. Walker Jr.
Director

1301 Concordia Court / P.O. Box 19277 / Springfield, IL 62794-9277 / Telephone: (217) 522-2666 / TDD: (800) 526-0844

April 5, 2005

Enrico Levy
Register No. A93734
Pinckneyville Correctional Center

Dear Mr. Levy:

This is in response to your grievance received on March 8, 2005, regarding Conditions (State-Issued Clothing; Linens; Cleaning Supplies 12/8/04), which was alleged to have occurred at Pinckneyville Correctional Center. This office has determined the issue will be addressed without a formal hearing.

This office has reviewed your written grievance dated December 16, 2004 regarding requests to be provided with fresh clothing and linens as you claim the items issued to you are unsanitary and are causing you to feel ill. You also request disinfectant to clean your cell.

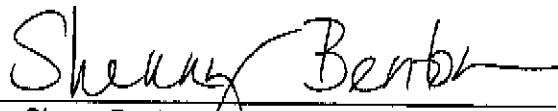
The Grievance officer's report (2-36) and subsequent recommendation dated February 14, 2005 and approval by the Chief Administrative Officer on February 18, 2005 have been reviewed.

Per the Grievance officer's report, the Clothing Room Supervisor was contacted and advised that Offender Levy was issued serviceable, clean, bed linens and clothing, which offenders are not able to exchange until one year from receipt. Due to safety and security reasons, disinfectants are not passed out, but rather offenders may purchase cleaning supplies from the Commissary.

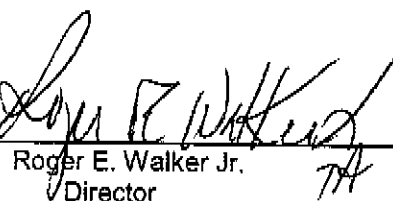
This office notes that Offender Levy's grievance stated he felt ill due to unsanitary conditions and would advise him to submit a sick call request.

Based on a total review of all available information, it is the opinion of this office that the issue was appropriately addressed by the institutional administration. It is, therefore, recommended the grievance be denied.

FOR THE BOARD:


Sherry Benton
Administrative Review Board
Office of Inmate Issues

CONCURRED:


Roger E. Walker Jr.
Director

cc: Warden John Evans, Pinckneyville Correctional Center
Enrico Levy, Register No. A93734

EXHIBIT ②A

C. Inmate Housing Units

The general population of inmates resides in four housing units. Assignments to housing units will be determined by the Placement Officer. Actual room assignments are made by the Assignment Captain/Lieutenant in conjunction with the Placement Office.

CHECK

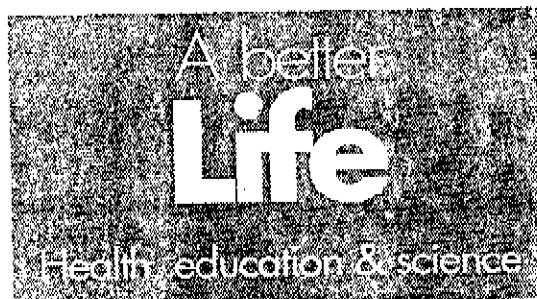
→ Inmates are responsible for the cleanliness of their living unit areas. All inmates are expected to follow the rules governing personal property and rights of others. Pinckneyville Correctional Center has established designated non-smoking cells. Interested inmates should send a request to the Placement Office. For those who are on the waiting list, every effort shall be made to cell you with a non-smoker. ←

EXHIBIT (2) B

HOUSING UNITS

Within the walled confines of the Menard Correctional Center, there are seven basic housing units. They are the Reception and Classification Unit, where all inmates initially admitted from court, parole violation, work release violation, or Psychiatric Division transfers are located; the East Cellhouse; the West Cellhouse; the South Uppers and South Lower; North 1 Segregation Unit, which includes Protective Custody and Disciplinary Segregation; and the I.P.O. Dormitory. Assignments outside the perimeter include the Menard Special Unit, located on the hill overlooking the facility on the south end of the Correctional Center, and the Menard Honor Farm, located north of the institution.

When entering a cell, you must be sure that no contraband articles are in the cell, because you are responsible for everything in the cell at all times. You will be subject to search by any employee at any time. When in your cell, you are permitted to converse with other inmates; this must be conducted in a normal talking voice. You shall be required to keep your cell walls, bars, windows, bed, wash basin, (toilet stool, floor, and any other furniture clean at all times. Scratching, marring, or unauthorized painting of cell walls is not permissible. Painting of cell walls may be granted by the cellhouse supervisor. Anything not issued by the institution, not purchased in the commissary, or not permitted by special order will be considered contraband and when found in possession of contraband, you will be considered to be owner of that contraband. Radios, televisions, typewriters, and other permitted articles can only be issued to one inmate. These items may not be sold, given, or loaned to any other inmate or those items will be confiscated as being contraband. You are responsible for all state property which is issued to you and it is your responsibility to return this property upon your release from this facility. Only approved furniture is allowed in your cell.



L.A. gays fighting staph infections

An emerging epidemic of drug-resistant staph infections has broken out among gay men in Los Angeles County, health officials say. Large, painful skin infections have surfaced with increasing frequency over the past months. Though doctors found the symptoms alarming, they took time to confirm that *Staphylococcus aureus*, or staph, was causing the skin boils, deep abscesses and inflammation. "The concern is this organism could spread to and cause disease in the community at large," says Peter Ruane, an infectious-disease specialist in Los Angeles. "It seems to be able to attack normal skin in healthy people." Ruane says he is aware of 40 cases. The infection appears to be spreading through skin-to-skin contact, including sex, and has proved to be impervious to common antibiotics.

→ EVIDENCE, THE DATA ON WHICH A CONCLUSION OR JUDGMENT CAN BE ESTABLISHED.

EXHIBIT (2) C

15. It is the inmate's responsibility to notify staff of any damage to a room immediately upon being assigned that particular room. The inmate is then responsible for any damage done to the room or contents.
16. All rooms including personal property shall be searched periodically for contraband. All inmates are subject to a body search at any time and at all times when entering or leaving an assignment. Property boxes will be checked every morning after the 7:00 a.m. count.
17. Property box searches are at 7:00 a.m. All property is to be in boxes until after check is done except for exempt items. Personal property permits need to be left in the white envelope.
18. Nothing will be hung on the walls, beds, windows, doors, washbasins or stools in an inmate's room. No items may be blocking observation windows (i.e. curtains or items taped to the window) at any time. No nude photos are to be posted.
19. Containers not on the approved personal property listing will not be allowed. Containers purchased through inmate commissary must contain the original contents and are to be disposed of after use.
- CHECK → 20. ~~Inmates are required to clean their rooms regularly. Rooms are to be kept clean and orderly at all times. Windows, walls, ceilings are to be kept clean. Writing, scratching and otherwise defacing walls, doors, ceilings or any other state property is prohibited. Any violations will result in disciplinary measure, which may include restitution.~~
21. Dry waste material such as paper, cups, rags, baggies, cellophane, plastic, etc. are to be put in a trash can and are not to be flushed down the toilet.
22. Inmates must not utilize paper bags to collect paper and trash or use paper bags as a lining for waste paper baskets.
23. Light fixtures in rooms are not to be covered, painted or altered in any way. No homemade electrical devices are permitted. No colored bulbs are allowed.
24. Ventilation and heating vents are not to be covered or tampered with in any way. Window screens are not to be removed or damaged in any way. Window screens shall not be altered for outside antennas.
25. All TV cables are not to be altered or tampered with in any way. They are to be turned in to Personal Property upon transfer or parole. Inmates may take the cable with them if they are reassigned to another cell or unit within the facility.
26. All electrical appliances will be turned off or unplugged when not in use. Also, electrical equipment is not to be rewired. To do so may create a fire or safety hazard. Electrical cords may not be spliced.
27. No Inmate may have in his possession any recording device, which is capable of recording conversation, except as specifically and explicitly authorized.

(OVER)

EXHIBIT 20

CHECK →

28. Inmates are not authorized to maintain state issued cleaning supplies including industry brooms in their cell.
29. Tampering with light switches or door locks is not allowed.
30. Ice is made available in the housing units. Inmates may not hoard ice. They will be limited to one (1) scoop as scheduled. Bagging of ice is prohibited, as plastic bags are made with recycled, non-food grade plastic and often treated with pesticides and dangerous to your health.
31. Inmate laundry will be done in the housing units by assigned housing unit laundry workers. Issued blankets will be cleaned by laundry workers. Use of washing machines and dryers is prohibited by anyone not assigned as a housing unit laundry worker.
32. Showers may be utilized during dayroom hours only. However, Phase inmates or inmates that are unassigned will not be allowed access to showers after six (6) p.m. Inmates must drape themselves with a towel or bathrobe when in the hallway area during shower procedures.
33. Razor blades are not to be removed from their cartridge. Such an item would be considered a weapon or dangerous contraband. You may have only three (3) razors in your possession at a time. You may have only the type sold in the commissary.
34. Inmates are prohibited from using correctional center telephones, except as authorized.
35. Inmates are expected to be fully dressed (i.e. shoes/boots, shirt and pants with belts buckled) when leaving the housing unit. Shirts must be fully buttoned to the second button down from the collar and tucked in. I.D.'s are to be attached to the left collar with the photo facing out.
36. When inmates are in their housing units, including dayroom activity, informal dress is authorized. Gym shorts and tee shirts are permissible. No towels only or underwear only are to be worn in the dayroom or on the landing areas. Shoes and/or thongs/slippers must be worn any time an inmate leaves his room. No plastic type headgear will be worn out of the housing unit. Hairbands are not permitted, with the exception of white headbands, which are allowed for dietary workers only on their assignment.
37. Inmates are required to wear state issued shirts with collars and state issued pants on their respective job assignments. Dietary workers are issued white jumpsuits to wear over their state issued blue pants and shirts. Outside grounds workers will wear red jumpsuits.
38. No clothing items, either state or personal, are allowed to be altered from their original state.
39. No smoking in the Dietary. Inmates entering Dietary for meals are required to wear state blue shirts with sleeves, and state blue pants. Sleeveless shirts will not be allowed. Hats are prohibited except for inmate workers assigned to Dietary.

EXHIBIT 6

307.	UNAUTHORIZED MOVEMENT	2 months	2 months	2 months	2 months
	Definition: Being anywhere without authorization or being absent from where required to be.				
308.	CONTRABAND/UNAUTHORIZED PROPERTY	3 months	3 months	3 months	3 months
	Definition: Possessing, giving, loaning, receiving, or using property which a committed person has no authorization to have or to receive and which was not issued to the individual through regular procedures, including the unauthorized possession of food or clothing or the possession of property in excess of that which is authorized by the institution; or property which has been altered from its original state.				
309.	PETITIONS, POSTINGS, AND BUSINESS VENTURES	6 months	6 months	3 months	3 months
	Definition: Writing, signing, or circulating a petition without authorization; unauthorized distributing or posting of any printed or written materials, including surveys; engaging in an unauthorized business venture; or representing oneself as a corporation or official of a corporation without authorization.				
310.	ABUSE OF PRIVILEGES	3 months	3 months	3 months	3 months
	Definition: Violating any rule regarding visits, mail, the library, yard, commissary, telephone, or recreational activities. This includes corresponding or communicating with a victim, a victim's family member, or other person after the committed person has received notice that such person has informed the Department that he or she does not wish to receive correspondence from the committed person. However, if the conduct also constitutes a violation of federal or State law, a committed person may also be charged under #501.				
311.	FAILURE TO SUBMIT TO MEDICAL OR FORENSIC TESTS	3 months	3 months	3 months	3 months
	Definition: Willfully refusing to submit to, or cooperate with, testing, examinations, or the provision of samples required by court order, State law, or current standards of public health and safety, including the refusal to submit to annual tuberculosis screening and mandatory HIV or DNA testing.				
CHECK →	402. HEALTH, SMOKING, OR SAFETY VIOLATIONS	3 months	3 months	3 months	3 months
CHECK →	Definition: Smoking in an unauthorized area; tattooing or body piercing, including, but not limited to, piercing of the ear, nose, or lip; or disregarding basic hygiene of person, cell, living or work area, or other place in the facility or its grounds.				
→	403. DISOBEYING A DIRECT ORDER	3 months	3 months	3 months	3 months
	Definition: willfully refusing to comply with an order, including the refusal to participate in educational testing; to accept a work, educational, or housing assignment; or to perform a work assignment.				

ENRICA LEVY #A93734

PETITIONER

V-

STATE OF ILL. DEPT. OF
CORRECTION, PINCKNEYVILLERESPONDENT

CASE NO. _____

MOTION FOR LEAVE TO AMEND

AND SUBPOENA

SEC. 505/9.B

I, ENRICA LEVY, PETITIONER PRO SE, RESPECTFULLY HEREBY MOVE BY MOTION
WITH PRAYER TO THIS HONORABLE COURT, AND IN SUPPORT STATES:

- (1) CLAIMANT REQUEST THIS COURT TO GRANT CLAIMANT'S MOTION TO
SUBPOENA MATERIAL WITNESS AND ~~EXCELIMATE~~ ~~JONES~~ #
- (2) THAT PETITIONER IS PRESENTLY INCARCERATED AT THE PINCKNEYVILLE
CORRECTIONAL CENTER, IN PINCKNEYVILLE, ILL, 62274
- (3) WHEREFORE, PETITIONER, PRO SE, PRAY THAT THIS HONORABLE COURT
GRANT THIS NECESSARY PREREQUISITE MOTION SUPPORTED BY AFFIDAVIT.

ENRICE LEVY #A93734

Plaintiff

VS

STATE OF ILLINOIS, DEPT. OF
CORRECTION, PINCKNEYVILLERESPONDENTS

No. _____

SUMMONS

To the INMATE # JONES

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance in the office of the clerk of this court at the Courthouse, State of Illinois, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

Name _____

WITNESS, _____

Attorney for _____

Address _____

City _____

Telephone _____

Clerk of Court

by _____

Deputy

(Seal of Court)

Date of Service: _____, 19____

(To be inserted by officer on copy left with defendant
or other person)

SHERIFF'S FEES

Service and return..... \$ _____

Miles _____

Total..... \$ _____

Sheriff of _____ County

I certify that I served this summons on defendants as follows:

(a) - (Individual defendants—personal):

By leaving a copy and a copy of the complaint with each individual defendant personally, as follows:

Name of defendant	Date of service
_____	_____
_____	_____
_____	_____

(b) - (Individual defendants—abode):

By leaving a copy and a copy of the complaint at the usual place of abode of each individual defendant with a person of his family, of the age of 13 years or upwards, informing that person of the contents of the summons, and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his usual place of abode, as follows:

Name of defendant	Person with whom left	Date of service	Date of mailing
_____	_____	_____	_____
_____	_____	_____	_____

(c) - (Corporation defendants):

By leaving a copy and a copy of the complaint with the registered agent, officer or agent of each defendant corporation, as follows:

Defendant corporation	Registered agent, officer or agent	Date of service
_____	_____	_____
_____	_____	_____

(d) - (Other service):

Sheriff of _____ County

Deputy

SD-28

ENRICO LEVY #A93734

PETITIONER

V-

STATE OF ILLINOIS, DEPT. OF
CORRECTION, PINCKNEYVILLE

RESPONDENT

CASE NO.

MOTION FOR LEAVE TO AMEND

AND SUBPOENA

SEC. 505/9.B

I, ENRICO LEVY, PETITIONER PRO SE, RESPECTFULLY HEREBY MAKE BY MOTION
WITH PRAYER TO THIS HONORABLE COURT, AND IN SUPPORT STATES:

- (1) CLAIMANT'S REQUEST THIS COURT TO GRANT CLAIMANT'S MOTION TO
SUBPOENA DEFENDANT AND/OR MATERIAL WITNESS DOCTOR, ADRIAN FEINERMAN
- (2) THAT PETITIONER IS PRESENTLY INCARCERATED AT THE PINCKNEYVILLE
CORRECTIONAL CENTER, IN PINCKNEYVILLE, ILL, 62274
- (3) WHEREFORE, PETITIONER, PRO SE, PRAY THAT THIS HONORABLE COURT
GRANT THIS NECESSARY PREREQUISITE MOTION SUPPORTED BY AFFIDAVIT.

EMRIE LEVY #A93734

Plaintiff

VS

STATE OF ILLINOIS, DEPT. OF
CORRECTION, PINEKNY VILLE
RESPONDENTS

No. _____

SUMMONS

To the defendant: ~~DOUGLAS~~ FRINERMAN

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance in the office of the clerk of this court at the Courthouse, State of Illinois, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

Name _____

WITNESS, _____

Attorney for _____

Address _____

City _____

Telephone _____

Clerk of Court

by _____

Deputy

(Seal of Court)

Date of Service: _____, 19____

(To be inserted by officer on copy left with defendant
or other person)

SHERIFF'S FEES

Service and return..... \$ _____
 Miles _____
 Total..... \$ _____

Sheriff of _____ County

I certify that I served this summons on defendants as follows:

(a) – (Individual defendants—personal):

By leaving a copy and a copy of the complaint with each individual defendant personally, as follows:

Name of defendant	Date of service
_____	_____
_____	_____
_____	_____

(b) – (Individual defendants—abode):

By leaving a copy and a copy of the complaint at the usual place of abode of each individual defendant with a person of his family, of the age of 13 years or upwards, informing that person of the contents of the summons, and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his usual place of abode, as follows:

Name of defendant	Person with whom left	Date of service	Date of mailing
_____	_____	_____	_____
_____	_____	_____	_____

(c) – (Corporation defendants):

By leaving a copy and a copy of the complaint with the registered agent, officer or agent of each defendant corporation, as follows:

Defendant corporation	Registered agent, officer or agent	Date of service
_____	_____	_____
_____	_____	_____

(d) – (Other service):

_____, Sheriff of _____ County

STATE OF ILLINOIS
U.S. FEDERAL DIST. COURT
NORTHERN

ENRICO LEVY #A93734

PETITIONER

V.

STATE OF ILLINOIS, DEPT. OF
CORRECTION, LAWRENCE, WARDEN BARTLEY)
PRISONS DIRECTOR ROGER E. WALKER JR.)
RESPONDENTS

CASE NUMBER: _____

NOTICE OF FILING

To: LISA MADIGAN
ILLINOIS ATTORNEY GENERAL
500 S. 2nd, St.
SPRINGFIELD, ILL, 62746

You are hereby notified that on OCT-20-2007, I have caused the attached documents to be sent to the above-named party(ies).

By: U.S. MAIL

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached documents have been served on the above-named party(ies). The same being sent via the United States Mail, with proper postage having been paid at the ~~Post Office~~ Correctional Center on 10-20-2007 at ~~SPRINGFIELD~~ SPRINGFIELD.

Enrico Levy